

EXHIBIT 5



KEVIN KAMENETZ
County Executive

YOLANDA G. WINKLER
Director of Government Affairs

BILL NO.: **HB 294**

TITLE: Firearms Safety Act of 2013

SPONSOR: Speaker

COMMITTEE: Judiciary Committee

POSITION: **SUPPORT WITH AMENDMENTS**

DATE: March 1, 2013

STATEMENT OF CHIEF JAMES JOHNSON, REPRESENTING THE BALTIMORE COUNTY POLICE DEPARTMENT:

The Baltimore County Police Department supports with amendments the passage of House Bill 294.

I am the Police Chief for Baltimore County, Maryland. My testimony today reflects the support of the Maryland Chiefs of Police Association and the National Law Enforcement Partnership to Prevent Gun Violence, which I currently chair. I have offered testimony in Congress on the gun violence issue – specifically, in support of changes in federal law related to background checks for all weapon purchases, a limit of no more than 10 rounds for high capacity magazines, and reinstatement of the 1994 assault weapons ban. I strongly support the bill before you today, with the amendments submitted by the Maryland Chiefs of Police Association.

The proposed Maryland Firearm Safety Act of 2013 has many critical, important provisions. My testimony will focus on the value of licensing, restricting magazines to no more than 10 rounds and a ban on assault weapons. My testimony also will address what I consider impressive legislation to address the mental health issues that are a factor in many, many cases of firearms violence in Maryland and across the nation.

Law enforcement leaders everywhere have been working to reduce the gun violence epidemic. This is a public health issue. Law enforcement is on the front lines of this issue, nobly carrying out the decisions our elected officials make. Already, we have had great success in Maryland reducing homicides caused by gun violence. Thanks to superior police work and advancements in technology, homicides in Maryland have dropped since 2007, when we recorded 412 homicides. In contrast, by 2011, the most recent year for which comprehensive data is available,

Maryland had 272 homicides caused by firearms. I strongly feel that these numbers would be much higher were it not for the expertise and dedication of our police officers, EMTs and other first responders – as well as the work of what arguably is the most advanced health care system in the world.

It is a fact that nearly 30,000 Americans are killed in firearms violence each year. It is a fact that thousands more die from suicides and accidental shootings. It is a fact that firearms violence costs citizens hundreds of millions of dollars per year. One recent study revealed that in just six cities similar in size to Baltimore the cost of gun violence was \$38 million per week! Experts anticipate that within the next two years the number of deaths caused by gun violence will exceed deaths related to automobile accidents. Here is another fact: In 2011, more police officers were killed by firearms violence than any other means. This has not happened in nearly two decades.

The proposal before you today will enhance Maryland's existing accomplishments in reducing gun violence. This legislation will reduce the number of deaths associated with firearms. We must do all we can to stop guns from getting into the wrong hands and to keep excessive fire power out of our communities. The sensible solutions proposed by Governor O'Malley will help to achieve that.

Let's review the issues before Marylanders today, beginning with assault weapons.

I and many other knowledgeable detectives and officers who deal with gun violence every day find the definition of assault weapons written in the Firearm Safety Act of 2013 comprehensive, clear and concise. This is crucial, because the debate over what an assault weapon is has been and continues to be an issue in discussions about gun laws.

Assault weapons have no place in our communities and on our streets. They are used to commit crimes of violence across America, in our State, and in my County. These weapons should be available only to public safety and the military. Originally designed and engineered for the battlefield, these weapons are tactically engineered to offer superior tactical and offensive capabilities. They are engineered and designed to allow the user to carry and discharge dozens upon dozens of rounds, uninterrupted by mechanical failure. They allow its user to stay on target; they minimize "kick" so the shooter can deliver accurate hit after hit. From the weapon's weight to its ability to support add-on tactical features, the weapons we call "assault weapons" are superior killing machines. As we have seen nationally, these weapons are used with greater frequency in mass killings. Mass murderers choose them for all the reasons I just outlined.

Now, about magazines: I and my peers in public safety believe it is reasonable for Maryland to adopt a ten-round limit on magazines. The reloading process is absolutely critical to a victim's chance for survival. The time it takes for a shooter to reload gives someone precious moments to



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seek cover or concealment, to escape or even to take offensive action against the shooter. In the shooting of Congresswoman Gifford's in Tucson, this factor -- the time it took the shooter to reload -- allowed the shooting to end. A citizen attacked the shooter as he was reloading after discharging a 33-round magazine. More rounds fired means more hits, more lives lost and more physical injury. Do not be fooled by those who tell you that a magazine can be changed in fewer than two seconds. People who use high capacity magazines in crimes of violence are oftentimes emotional, mentally disturbed or in a state of rage. They are not working in a calm, controlled firing range environment.

This bill contains an impressive and comprehensive set of requirements designed to restrict the mentally and emotionally ill from obtaining or possessing a firearm. The bill specifies that a hearing officer should be allowed to decide if a person should not possess a firearm -- if credible evidence exists that he or she poses a danger to themselves or others. We believe this provision will reduce firearm-related deaths and injury. We need to ensure that this information is handled as expediently as we handle domestic orders.

Regarding licensing of firearms, I strongly support licensing. Research shows that licensing will reduce the number of non-intentional shootings by ensuring that gun owners know how to safely use and store firearms. A licensing provision will increase compliance with existing firearms laws by requiring gun owners to demonstrate knowledge of those laws. It will decrease illegal gun sales and purchases by ensuring that all licensees are eligible to possess firearms under Federal and State law. It will reduce murder rates; other states with licensing requirements have shown such a reduction.

I urge you to keep the fingerprinting requirement in the Bill. This will help law enforcement to identify people involved in gun crimes. Fingerprinting is not an inconvenience. Maryland citizens are quite familiar with rendering a fingerprint for bank transactions and a growing list of employment opportunities. Likewise, I do not think passing a performance-based written test that demonstrates whether an applicant can safely load, fire and store a weapon and has knowledge of applicable firearms laws is unreasonable.

Perhaps the most significant result of the licensing process will be diminished straw purchasing attempts and transactions. In law enforcement, we know that criminals prohibited from buying guns attempt to use straw purchasers. Criminals want a clean gun, a gun that was not used in crimes of violence that could be linked to them. Often, the people recruited to make a straw purchase are intellectually unsophisticated or coerced into straw purchasing attempts. In a recent case in Baltimore County, an intellectually disabled person was used to purchase numerous weapons, some of which were recovered and confirmed as having been used in crimes of violence.

I strongly support the instruction component of the Bill. The current viewing requirement – viewing a 30-minute video -- is insufficient. We can do better. I do not believe straw purchasers will sit through a four-hour training program. I believe that many straw purchasers will not pass a written cognitive test on firearms safety and laws governing the use of firearms. The requirement that purchasers obtain proof that they completed firearms safety training is an exceptional element of the Bill.

Language in the Bill detailing mental health disqualifiers is extraordinary. We have already noted the wisdom of compelling someone to surrender firearms and to prohibit possession due to an emergency evaluation. Now, in addition, the bill will prohibit people who experienced a voluntary or involuntary commitment to a mental health facility for more than 30 days from purchasing or possessing a weapon. This is a great help in keeping guns out of the hands of unstable, mentally ill people.

The language proposing that a person under protection of a court-appointed guardian be prohibited from purchasing or possessing a firearm benefits public safety. Family members often contact police, advising that they care for someone under guardianship who is trying to obtain a firearm.

The Bill prohibits people who cannot legally possess a regulated firearm from possessing ammunition. This brings us in line with Federal law. The bill includes a comprehensive set of instructions for information to be entered into the National Instant Criminal Background Check System (NICS) system. This will allow for a more comprehensive background check, which Maryland greatly needs.

State law enforcement is pleased to see language in the Bill prohibiting certain individuals from obtaining or keeping rifles and shotguns when certain conditions exist. The proposed language is more consistent with Federal law.

We support the requirement that new Maryland residents register all regulated firearms within 30 days. This is sound and reasonable. Why should we treat a new Maryland resident any different than a life-long resident?

We support additional language that requires 16 hours of training for people seeking permits to carry guns. Carrying a firearm in public is an awesome responsibility. It is not unreasonable to expect proper training for people who carry.

Law enforcement strongly believes the proposed legislation effectively and reasonably addresses many of the challenges police encounter when investigating gun violence and prohibited purchasers and possessors. I am confident that these changes in law will make Maryland safer from gun violence. I strongly urge a favorable report for House Bill 294.



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Accordingly, the Baltimore County Police Department supports with amendments the passage of House Bill 294. For more information, please contact Sergeant Anissa Watkins, Legislative Liaison at 410-269-7760

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